Case File: A-76-17



City of Raleigh Planning & Development Department One Exchange Plaza Raleigh, NC 27601 (919) 996-2475 www.raleighnc.gov

Case File: A-76-17

Property Address: 1100 Newton Road

Property Owner: Gethsemane Evangelical Lutheran Church

Project Contact: Pastor Phil Kiecker

Nature of Case: A request for a variance from Section 7.3.2. of the Unified Development

Ordinance to allow a wall sign for their Day Care Center in a Residential Zoning District on a 3.42 acre parcel zoned Residential-4 and located at

1100 Newton Road



1100 Newton Road - Location Map

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Case File: A-76-17

To BOA: 6-12-17

Staff Coordinator: Eric S. Hodge, AICP

Additional Variances: Case A-47-15 allowed a wall sign in a Residential District on the side of the

Church sanctuary.

ZONING

DISTRICTS: Residential 4



1100 Newton Road – Zoning Map

VARIANCE STANDARDS: In accordance with UDO §10.2.10 Variance, before a variance request is granted, the Board of Adjustment shall show all of the following:

- 1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- 2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from

personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

- The hardship did not result from actions taken by the applicant or the
 property owner. The act of purchasing property with knowledge that
 circumstances exist that may justify the granting of a variance shall not
 be regarded as a self-created hardship.
- 4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Article 7.3. Signs

Sec. 7.3.1. Applicability

No sign may be altered, replaced, converted, changed or otherwise modified except in accordance with the requirements of this UDO.

Sec. 7.3.2. Signs Allowed by District

Signs are allowed by district as set forth in the table below.

		RES	IDEN.	TIAL		N	IIXED	USE	(NO	FROI	NTAG	E)		S	PECIA	\L				FR	ONTA	GE			Definition/
	R-1	R-2	R-4	R-6	R-10	RX-	OP-	OX-	NX-	CX-	DX-	IX-	CM	AP	IH	R-MP	CMP	-PW	-DE	-PL	-GR	-UL	-UG	-SH	Standards
BUILDING SIGNS																									
Wall Sign		-				Р	Р	Р	Р	Р	Р	Р			Р		Р	P	Р	Р	Р	Р	Р	Р	Sec. 7.3.4.
Projecting Sign						Р	Р	Р	Р	Р	Р	Р			-		Р	Р	Р	Р	Р	Р	Р	Р	Sec. 7.3.5.
Awning, Gallery, Marquee Sign		-	-			Р	Р	Р	Р	Р	Р	Р			-	-	Р	Р	Р	Р	Р	Р	Р	Р	Sec. 7.3.6.
Window Sign						Р	Р	Р	Р	Р	Р	Р			-		Р	Р	Р	Р	Р	Р	Р	Р	Sec. 7.3.7.
GROUND SIGNS																									
Low Profile							Р	Р	Р	Р		Р			Р		Р	Р	Р	Р	Р				Sec. 7.3.8.
Medium Profile		-	-						Р	Р		Р			Р	-	Р	Р					-		Sec. 7.3.9.
High Profile		-	-						Р	Р		Р			Р	-	Р	Р					-		Sec. 7.3.10.
Tract Identification Sign	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р		Р			-		Sec. 7.3.11.
A-Frame Sign		-	-			Р	Р	Р	Р	Р	Р	Р			-		Р		Р	Р	Р	Р	Р	Р	Sec. 7.3.12.
ADVERTISING SIGNS																									
Off-Premise Sign			-									Р			Р										Sec. 7.3.14.

Key: P = Sign Permitted --- = Sign Not Permitted

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Development Services Customer Service Center

One Exchange Plaza 1 Exchange Plaza, Suite 400 Raleigh, North Carolina 27601 Phone 919-996-2495 Fax 919-516-2685

Variance Request Application

	OFFICE USE ONLY
Nature of variance request (Submit addendum on separate sheet, if more space is needed.) To allow a wall sign on our R-1 zoned property. The sign would be street side of our proposed Preschall Expansion Building (1110 Nowton R.A.) It would read "Precious Lambs Early Learning Center."	Transaction Number
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

roperty Address 1110 Newton Rd (Propued Building)	1100 Newton Rd (Corrent)	Date 5.8.17	
roperty PIN 1707958102	Current Zoning		
learest Intersection Fulls of Weyse + Newton		Property size (in acres) .	
roperty Owner Gethsemane Lutheran Chrah	Phone 919-847-0579	Fax	
	is to O geth sem	que-raleigh, org	
Pastur Phil Kiecker	Email 9 arden pastor	9 gmail- com	
roperty Owner Signature	Email		
worm and subscribed before me this 8th day of May,	Notary Signature and Seal	9/18/d STRINGTHA	N D RA
	Jany commission Cypixes		•
is improper to contact any member of the Board of Adjustmen oplication will not be considered complete until all required subtractions and approved.	t prior to the disposition of a case to mittal components listed on the Var	odiscuss the request. A variance iance Checklist have been recorded	COUNTY



May 8th, 2017

Raleigh, NC 27615

Pastor: (919) 539-2218

Greetings. This letter is in regards to the Wall Sign Variance request for the proposed addition to the Precious Lambs Early Learning Center.

Precious Lambs has been a blessing to the community of North Raleigh for over 17 years. The school has served hundreds of families over those years. It has provided a quality education, spiritual training, and individualized care for 3-5 year olds. The school serves a variety of children from a variety of cultural backgrounds, a variety of income categories and a variety of family backgrounds. It also is one of only two centers in North Raleigh that offers Full Day Christian Care.

In fact, the goal of the school is to provide Quality, Christ-Centered, Caring education to all of the North Raleigh community. Because of this, we maintain a Five Star state rating. We also train our teachers at an accredited school. Our congregation also provides funding to offset the cost of the school & keep rates lower than the rates of similar centers. Various volunteers also work at various tasks (school board, book keeping, janitorial, groundwork, substitutes) in order to keep the cost down and the education accessible to families.

In addition, a special Tuition Assistance fund has been established as a scholarship for students whose parents might be unable to pay tuition for an extended or a brief amount of time. Our goal with this program is to continue to provide the quality program but still be able to pay our teaching staff a quality wage. In the past three years, Precious Lambs has provided 17 scholarships.

The goal with the expansion of the center is to provide similar education for children ages 0-2. This would allow families for which the parent(s) is/are working full time to find a quality center with a caring atmosphere in the area for a reasonable price. Over the past two years, our director has tracked inquiries for childcare. Over 70% of all inquiries have been about 0-2 year old care. In addition, having this care available would allow families with children in a variety of ages to be together & for the children to have a stable environment for a healthy portion of their early childhood education.

Our current facilities do not allow the space for such an endeavor. Hence the expansion. The new facility will aim to be a state of the art facility. Clean, fresh, and new - but with aspects of hominess that make children feel at home & encourage learning.

Unfortunately, the landscape will make this building difficult to identify. As you drive west on Newton Rd, there is a decline. The decline places cars at the level of the 4 very thick and large oak trees along the roadside. These oak trees have blocked the view of the church & made it hard to identify what the building was. Surveys of our neighborhood showed that people were unfamiliar with what the building was. We trimmed back the trees as much as the certified arborist was able. Still it was difficult to see. In fact, the fire marshal commented on the difficulty he had in finding the building & recommended more visible signage. As a result, a variance was obtained in May 2015 to allow a sign on our church wall.

Precious Lambs is a blessing to the North Raleigh community. An expansion would only allow the center to be a blessing for years to come. If an expansion occurs, we would want it to be successful & safe. A wall sign would allow people (emergency vehicles & the community alike) to easily find it through the thick foliage a long Newton Road.

Thank you for your time, your consideration & for all that you do.

Pastor Phil Kiecker

Gethsemane Lutheran Church

Gethsemane-Raleigh.org



Facebook/Gethsemane.Raleigh



@GatherToGarden

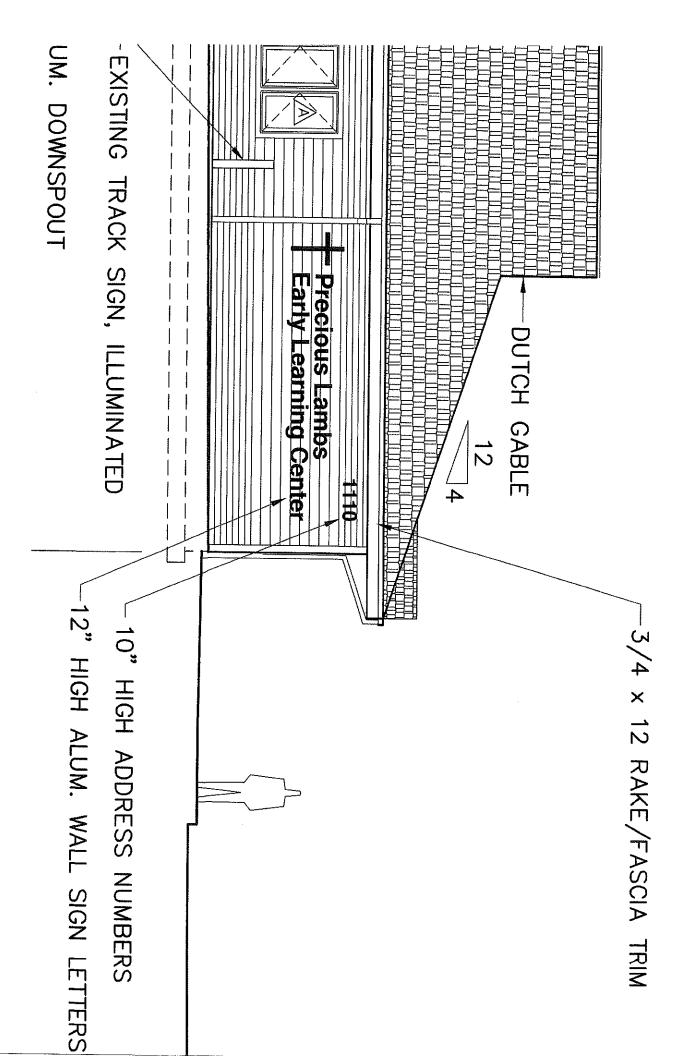


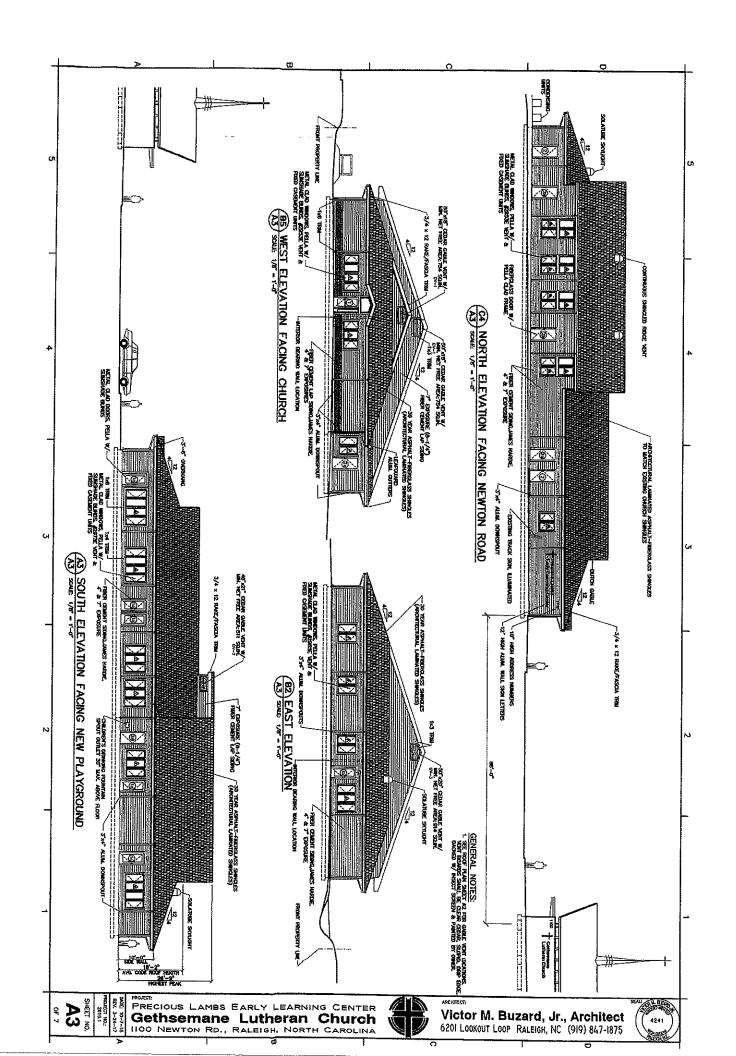
gardenpastor@gmail.com

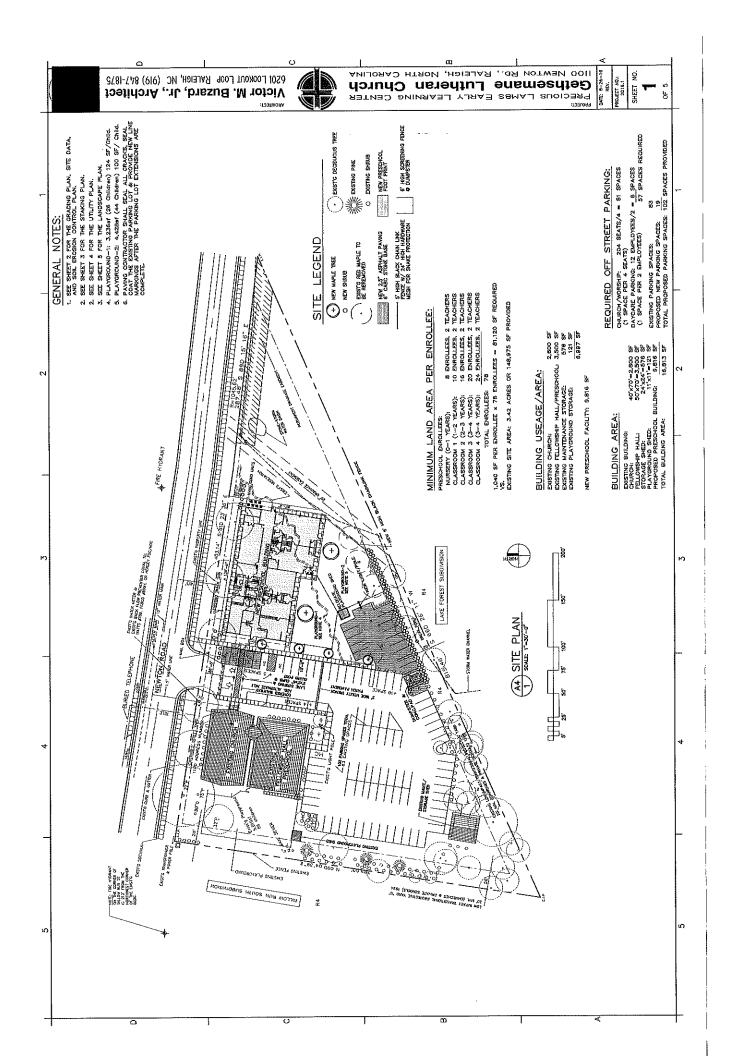


gathertothegarden



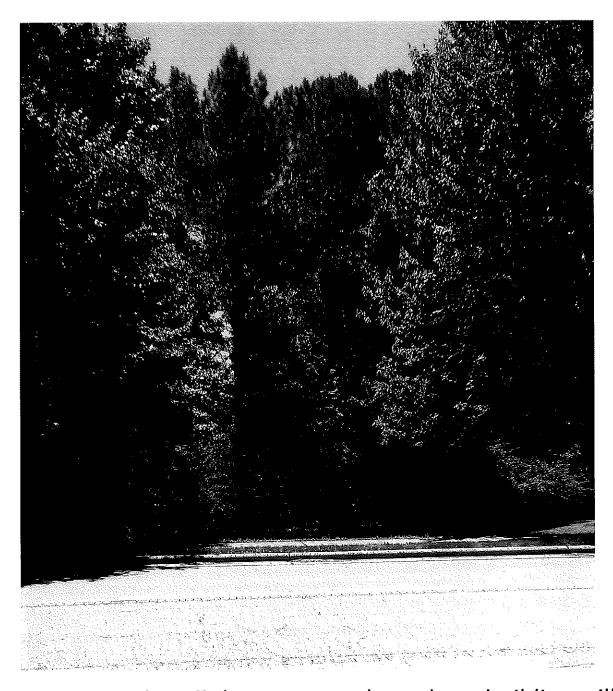




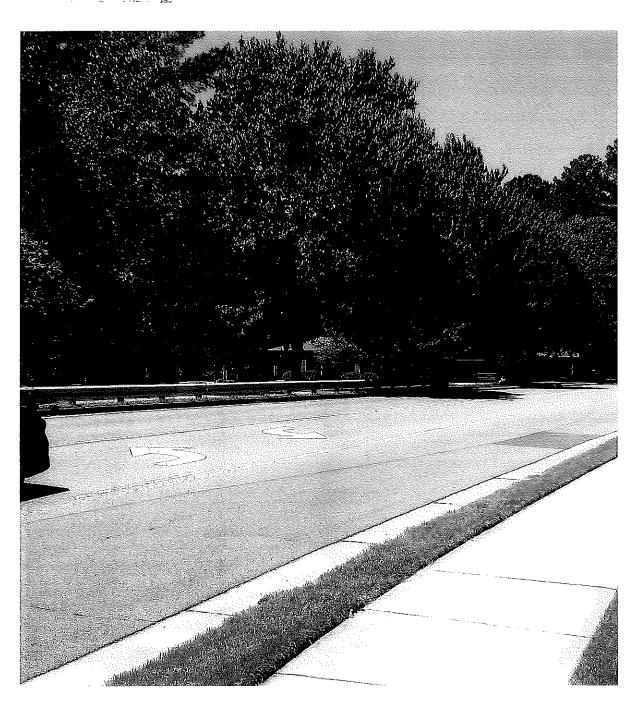




View from west of building & facing East



View from sidewalk (across street) to where building will be. (A.E. Finley Building Parking Lot)



View from across street
(intersection of newton & Harps Mills) looking where building would be.

to Know You (and the Community)!

...so We can Better Serve You

int number of Surveys: 237	
ETHNICITIES SURVEYED:	AGES SURVEYED:
ocalean = 38	Teens-15 Young Adult- 29
Jaucasian- 89 Hispanic-9	Middle Aged- 67
Asian-20 Middle Eastern-3	a lection of tellnes?
(*************************************	***************************************
. I have lived in this neighborhood since	
Less than a year: 51 Apar 1-3 years: 39	towns - looking some mines
1-3 years: 39	
3-10 year: 43 Longer than 10 Years: 64	ig Homes - not as into God. long time "whatever"
	long time "whatever"
,, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	<i>J T</i>
Another part of Raleigh. x42	
Student at State x4 Another State x64:	
Arizona California x3. Colora	do x2, Florida x2, Georgia, Illinois, Minnesota x2, Michigan,
Montana New Hampshire.	New Jersey x4, New York x11, Onio x2, Pennsylvania x2,
South Carolina x2, Tennesee,	Texas 4, Virginia x3, Utah x2, "Another State" x8.
Other NC office v22	
Carv x4. Charlotte, Clayton x2	2, Durham x5, Asheville, Greenville, Wake Forest, Morrisville.
Myrtle Beach, NC Coast, Roc	ky Mount, Sanford, Selma, Garner.
Other Countries x24:	a v 11 Tana Marrico v2 Manal v5 Delziefan v2
Algeria, Callada, Costa Rica,	Congo India, Iraq, Mexico x3, Nepal x5, Pakistan x2,
Philippines, Thailand x6, Viets	NOTE: A rathur chase state that
apartments	NOTE: A COLUMN COME STATE THE
3. Most of my friends and family live	starts with a "hi" was not represented
Raleigh x51	The state of the s
Another state. 22	sormons is there a sonse of loneliness? Never for the fourth for the formation of the character forma
"Not here" x12	Most & about family
Other Country x7	entering Court .
4. My favorite grocery store is	
Walmart x26 (on Falls of Neuse)	E . II I loss
Food Lion x23	> Places to connect service projects to/hand and Fliers.
Harris Teeter x22	

Indian stores, whole Foods, Target, Trader Joe's, Thai food. Sam's Club.

Harris Teeter x22

Kroger x9 Aldi x3

moved here, the biggest changes in my life have been... of fearing for life. Raleigh is smaller x3 Raleigh is larger x6 Better transporation elsewhere. More "in the loop." Downsizing x2. Weather x2. Closer to things. English Language. x2 The culture x3. better Schooling. Driving on the right side of the road. Political climate. More crime. . The church or religious organization that seems to be most popular with my family and friends seems to None x43 - alarming to see this that high Crould be higher, if more answered.) Baptist x41 Catholic x38 (St. Raphael's has a Spanish service) * > 5 Big Chrishe what do they do?,
How can we learn? Evangelical (Journey) x9 Methodist x9 (Hayes Barton) Community/Non-Denom x8 Presbyterians x6 Lutheran x4 Episcopal x4 Pentecostal x3 Moravian: 1. "Christian": 13 Jewish: 5 Islamic: 3 Hindu: 3 Mormon: 1 Tribal: 1 **Buddhist: 1** This is so because.... Family was this way x5. The minister. Friends go there. x2 Community service to homeless. No dress code. Out of all the people we asked!?! We need to make this higher. Youth pastor. 16. I know that Gethsemane Lutheran Church is located near... Know. =(27)*From Easter Fliers. *From walking by. *One family was excited. Because they have a running joke about how to say Gethsemane and now they have the answer! *A few others weren't sure at first, but thought that maybe they had heard the name before.

x3

21

Jeffreys, Conti, Root); Noes -0. Chairman McLamb ruled the motion adopted on a 5-0 vote and the variance granted with conditions.

A-47-15 - 8/10/15

Decision: Approved as requested.

WHEREAS, the Gethsemane Lutheran Church, property owner, requests a variance from Section 7.3.2 of the Unified Development Ordinance to allow a wall sign in a Residential Zoning District on a 3.4 acre property zoned Residential-4 located at 1100 Newton Road.

Planning Administrator Eric Hodge (sworn) explained the City's sign regulations with regard to residentially-zoned property. He indicated the proposed sign would be located along the side of the building that faces Newton Road and noted a wall sign was not allowed in residential zoning. In response to questions, Mr. Hodge indicated Staff feels a wall sign in this location would not be invasive. If the property were zoned O & I or any other commercial zoning the Applicant could have both a wall and ground sign on the property.

Applicant

Rev. Philip Kiecker (sworn), indicated he has been the pastor at the church for 4 years. He talked about church efforts to reach out to the community stating most of the neighbors did not know the church was there due to visibility issues. He talked about how trees obscure the existing ground sign and noted the Fire Marshall had driven by the church 3 times before he found the facility and urged the church establish better identification for emergency service purposes. He also talked about various social services provided at the church.

Chairman McLamb requested confirmation there were no residential areas across the street from the church with Rev. Kiecker indicating that was correct in that the church faces entrances to Ravenscroft School and the A. E. Findley Foundation. Ms. Kemerait questioned whether it was the Applicant's hope to keep and maintain both signs with Rev. Kiecker responding in the affirmative.

Opposition

None.

Requests for Notification

None.

Findings of Fact

- 1. Applicant seeks a variance from UDO §7.3.2 to allow a wall sign on a church in a residential zoning district.
- 2. The Board has considered Applicant's verified application and the evidence and testimony adduced at the hearing.
- 3. Applicant participated in a pre-application conference with a Planning and Development Officer to review the Application.
- 4. Public Notice requirements of UDO §10.2.1.C. have been met.
- 5. In order to comply with UDO §7.3.2, Applicant would be entitled to a monument sign in a residential zoning district, but not a wall sign.
- 6. Applicant is unable to comply with UDO \$7.3.2 because the ground sign to which Applicant is entitled does not provide adequate notice of Applicant's location.
- 7. The visibility of Applicant's ground sign is limited by existing vegetation.
- 8. The topography of Applicant's lot limits the visibility of the ground sign.
- 9. Neither property across the street from this church is used for residential purposes.
- 10. As a church use, it is important for safety purposes for motorists to be able to identify Applicant's location. The Fire Marshall has reported that a wall sign is necessary for appropriate visibility.
- 11. Strict compliance with the provisions of the ordinance would deprive Applicant from the reasonable use of the property.
- 12. The character of surrounding properties would not be adversely affected by the granting of the variance.
- 13. Denial of the variance would result in insignificant public benefit but would greatly harm Applicant.
- 14. The Board has also considered the following relevant factors:
 - (a) The character and use of buildings and structures adjoining or in the vicinity of the property mentioned in the application.
 - (b) The number of persons residing, studying, working in or otherwise occupying prior decision may be reversed, modified, or affirmed buildings adjoining or in the vicinity of the property mentioned in the application.

Conclusions of Law

- 1. Unnecessary hardship would result from the strict application of the ordinance.
- 2. The hardship results from conditions that are peculiar to the property.
- 3. The hardship did not result from actions taken by the Applicant or the property owner.
- 4. The variance is consistent with the spirit, purpose and intent of the ordinance such that public safety is secured, and substantial justice is achieved.
- 5. This decision is subject to review for fraud, material misrepresentation, or other misconduct at the proceeding or for violations on the subject property of either any provision of the UDO or an imposed limiting condition, and if such a determination is made by the Board, its prior decision may be reversed, modified or affirmed.

Motion

Chairman McLamb moved to approve the variance as requested. His motion was seconded by Ms. Kemerait and received the following vote: Ayes -5 (McLamb, Kemerait, Jeffreys, Conti, Root); Noes -0. Chairman McLamb ruled the motion adopted on a 5-0 vote and the variance granted.

A-61-15 - 8/10/15

Decision: Denied.

WHEREAS, Patrick Lexa, property owner, requests relief from Section 1.5.12.D.3. of the Unified Development Ordinance to allow a detached garage to be constructed in the front yard of an existing detached house on a .24 acre property zoned Residential-6 and Neighborhood Conservation Overlay District located at 1219 Watauga Street.

Planning Administrator Eric Hodge (sworn) pointed out the subject lot corners onto a private entrance to a multifamily property to the rear. He stated the Applicant's house is skewed toward the corner side of the property and indicated the proposed garage would be located in the front yard due to the dwelling's location. He talked about recent changes in state statutes regarding garage locations and indicated Staff has concerns this case may set a precedent; however, this situation is unique. He pointed out the Applicant could attach the garage to the dwelling to bring it into compliance. Chairman McLamb questioned the City's definition of the term "attached" with Mr. Hodge responding the City defines the term as an enclosed space, and not a breezeway. In response to questions, Mr. Hodge indicated driveway access would be off the private road.

Applicant

Patrick Lexa, 1219 Watauga Street (sworn) indicated construction on an approved addition to the dwelling had already begun and stated there is no room to place the garage in the rear yard. He indicated the proposed garage would be 1 car in size. In response to questions, Mr. Lexa stated he did consider attaching the garage to the dwelling; however, the builder had determined the attachment could not be done effectively, and indicated there is no room to extend the driveway to the rear of the property on that side of the dwelling. He stated the builder did not believe the garage would be an issue and so proceeded with building the addition. He noted an existing tree would not have to be removed if the garage were allowed.

Discussion took place regarding the existing driveway location as well as proposed extensions.

Opposition

None.

1707958102 GETHSEMANE EVANGELICIAL LUTHERAN CHURCH 1100 NEWTON RD RALEIGH NC 27615-5222

1707945669 POTTS, ALVIN L II POTTS, KIMBERLY A 6833 JUSTICE DR RALEIGH NC 27615-5214

1707948832 CAPORAL, NICK P CAPORAL, VIRGINIA M 6901 JUSTICE DR RALEIGH NC 27615-5216

1707959369 A E FINLEY FOUNDATION INC PO BOX 98266 RALEIGH NC 27624-8266

1717041913 PERNELL, DEBRA REINHARDT 6917 JUSTICE DR RALEIGH NC 27615-5216

1717053294 RALEIGH CITY OF PO BOX 590 RALEIGH NC 27602-0590

1717053471 MCINTYRE, JAMES M MCINTYRE, BETTY J 1065 BULLARD CT RALEIGH NC 27615-6801

1717053471 JASON JAKOB DANE LLC 7000 HARPS MILL RD STE 201 RALEIGH NC 27615-3241

1717053471 MARLEN PARTNERS LLC 7000 HARPS MILL RD STE 203 RALEIGH NC 27615-3239 1707943834 SPENCER, PATRICIA L 1004 WILLOW RUN SOUTH DR RALEIGH NC 27615-5251

1707946753 PORTER, MARY T PORTER, SUZANNE 6837 JUSTICE DR RALEIGH NC 27615-5214

1707949817 VELON, CHRISTOS K VELON, JOHN K 6909 JUSTICE DR RALEIGH NC 27615-5216

1707972049 RAVENSCROFT SCHOOL 7409 FALLS OF NEUSE RD RALEIGH NC 27615-5316

1717042915 GUZMAN, CARLOS JR GUZMAN. MILAGROS 6921 JUSTICE DR RALEIGH NC 27615-5216

1717053471 7000 HARPS MILL OFFICE CONDOMINIUM C/O TRADEMARK RESIDENTIAL PROP 1001 WADE AVE RALEIGH NC 27605-3322

1717053471 ABBOTT, R CHARLES JR 7000 HARPS MILL RD STE 103 RALEIGH NC 27615-3239

1717053471 TBR STRATEGIES LLC 7000 HARPS MILL RD STE 202 RALEIGH NC 27615-3241

1717054174 MABE, ANDREW MABE, JAMIE 6933 JUSTICE DR RALEIGH NC 27615-5216 1707944990 PÜĞH, FREDERICK D PUĞH, ROBIN Q 1008 WILLOW RUN DR S RALEIGH NC 27615-5251

1707947748 CAPORAL, NICK P CAPORAL, VIRGINIA 6901 JUSTICE DR RALEIGH NC 27615-5216

1707955143 JACKSON, SAMUEL L 1000 WILLOW RUN SOUTH DR RALEIGH NC 27615-5251

1717040829 HODGSON, LEISHA RENEE LETTERMAN TRUSTEE MARY P LET... 6913 JUSTICE DR RALEIGH NC 27615-5216

1717053029 LEHRER, DANIEL R 6925 JUSTICE DR RALEIGH NC 27615-5216

1717053471 TANAS, RAMZI S TANAS, MARIANNE A 7000 HARPS MILL RD STE 101 RALEIGH NC 27615-3241

1717053471 STOKES, E LEE III 7000 HARPS MILL RD RALEIGH NC 27615-3239

1717053471 MARLEN PARTNERS LLC 7000 HARPS MILL RD STE 203 RALEIGH NC 27615-3239